

1 E. MARTIN ESTRADA
United States Attorney
2 MACK E. JENKINS
Assistant United States Attorney
3 Chief, Criminal Division
RAJESH R. SRINIVASAN (Cal. Bar No. 310510)
4 Assistant United States Attorney
Criminal Appeals Section
5 1000 United States Courthouse
312 North Spring Street
6 Los Angeles, California 90012
Telephone: (213) 894-7416
7 Facsimile: (213) 894-6269
Email: rajesh.srinivasan@usdoj.gov

8 Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 HAYK KHALATYAN,

16 Defendant.

No. 2:22-cr-00345-DMG

PLEA AGREEMENT FOR DEFENDANT
HAYK KHALATYAN

17
18 1. This constitutes the plea agreement between Hayk Khalatyan
19 ("defendant") and the United States Attorney's Office for the Central
20 District of California (the "USAO") in the above-captioned case.
21 This agreement is limited to the USAO and cannot bind any other
22 federal, state, local, or foreign prosecuting, enforcement,
23 administrative, or regulatory authorities.

24 DEFENDANT'S OBLIGATIONS

25 2. Defendant agrees to:

26 a. At the earliest opportunity requested by the USAO and
27 provided by the Court, appear and plead guilty to the single-count
28 indictment in United States v. Hayk Khalatyan, No. 2:22-cr-00345-DMG,

1 which charges defendant with being a felon in possession of a firearm
2 and ammunition in violation of 18 U.S.C. § 922(g)(1).

3 b. Not contest facts agreed to in this agreement.

4 c. Abide by all agreements regarding sentencing contained
5 in this agreement.

6 d. Appear for all court appearances, surrender as ordered
7 for service of sentence, obey all conditions of any bond, and obey
8 any other ongoing court order in this matter.

9 e. Not commit any crime; however, offenses that would be
10 excluded for sentencing purposes under United States Sentencing
11 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not
12 within the scope of this agreement.

13 f. Be truthful at all times with the United States
14 Probation and Pretrial Services Office and the Court.

15 g. Pay the applicable special assessment at or before the
16 time of sentencing unless defendant has demonstrated a lack of
17 ability to pay such assessments.

18 3. Defendant further agrees:

19 a. To forfeit all right, title, and interest in and to
20 any and all monies, properties, and/or assets of any kind, derived
21 from or acquired as a result of, used to facilitate the commission
22 of, or involved in the illegal activity to which defendant is
23 pleading guilty, specifically including, but not limited to, the
24 following:

25 i. a Taurus model G2C, 9mm caliber pistol, bearing
26 serial number ACB508644;

27 ii. approximately three rounds of Luvata Appleton 9mm
28 Luger caliber ammunition;

1 iii. three rounds of Fiocchi 9mm Luger caliber
2 ammunition; and

3 iv. one round of Remington Arms 9mm Luger caliber
4 ammunition (collectively, the "Forfeitable Assets").

5 b. To the Court's entry of an order of forfeiture at or
6 before sentencing with respect to the Forfeitable Assets and to the
7 forfeiture of the assets.

8 c. To take whatever steps are necessary to pass to the
9 United States clear title to the Forfeitable Assets, including,
10 without limitation, the execution of a consent decree of forfeiture
11 and the completing of any other legal documents required for the
12 transfer of title to the United States.

13 d. Not to contest any administrative forfeiture
14 proceedings or civil judicial proceedings commenced against the
15 Forfeitable Assets. If defendant submitted a claim and/or petition
16 for remission for all or part of the Forfeitable Assets on behalf of
17 himself or any other individual or entity, defendant shall and hereby
18 does withdraw any such claims or petitions, and further agrees to
19 waive any right he may have to seek remission or mitigation of the
20 forfeiture of the Forfeitable Assets.

21 e. Not to assist any other individual in any effort
22 falsely to contest the forfeiture of the Forfeitable Assets.

23 f. Not to claim that reasonable cause to seize the
24 Forfeitable Assets was lacking.

25 g. To prevent the transfer, sale, destruction, or loss of
26 any and all assets described above to the extent defendant has the
27 ability to do so.

1 h. To fill out and deliver to the USAO a completed
2 financial statement listing defendant's assets on a form provided by
3 the USAO.

4 i. That forfeiture of Forfeitable Assets shall not be
5 counted toward satisfaction of any special assessment, fine,
6 restitution, costs, or other penalty the Court may impose.

7 4. With respect to any criminal forfeiture ordered as a result
8 of this plea agreement, defendant waives: (1) the requirements of
9 Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice
10 of the forfeiture in the charging instrument, announcements of the
11 forfeiture sentencing, and incorporation of the forfeiture in the
12 judgment; (2) all constitutional and statutory challenges to the
13 forfeiture (including by direct appeal, habeas corpus or any other
14 means); and (3) all constitutional, legal, and equitable defenses to
15 the forfeiture of the Forfeitable Assets in any proceeding on any
16 grounds including, without limitation, that the forfeiture
17 constitutes an excessive fine or punishment. Defendant acknowledges
18 that forfeiture of the Forfeitable Assets is part of the sentence
19 that may be imposed in this case and waives any failure by the Court
20 to advise defendant of this, pursuant to Federal Rule of Criminal
21 Procedure 11(b)(1)(J), at the time the Court accepts defendant's
22 guilty plea.

23 THE USAO'S OBLIGATIONS

24 5. The USAO agrees to:

- 25 a. Not contest facts agreed to in this agreement.
26 b. Abide by all agreements regarding sentencing contained
27 in this agreement.
28

1 c. At the time of sentencing, provided that defendant
2 demonstrates an acceptance of responsibility for the offense up to
3 and including the time of sentencing, recommend a two-level reduction
4 in the applicable Sentencing Guidelines offense level, pursuant to
5 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an
6 additional one-level reduction if available under that section.

7 d. Recommend that defendant be sentenced to a term of
8 imprisonment no higher than the low end of the applicable Sentencing
9 Guidelines range, provided that the offense level used by the Court
10 to determine that range is 17 or higher. For purposes of this
11 agreement, the low end of the Sentencing Guidelines range is that
12 defined by the Sentencing Table in U.S.S.G. Chapter 5, Part A.

13 NATURE OF THE OFFENSE

14 6. Defendant understands that for defendant to be guilty of
15 the crime charged in the indictment, that is, being a felon in
16 possession of a firearm or ammunition, in violation of 18 U.S.C.
17 § 922(g)(1), the following must be true: (1) defendant knowingly
18 possessed a firearm or ammunition; (2) the firearm or ammunition had
19 been shipped or transported from one state to another or between a
20 foreign nation and the United States; (3) at the time defendant
21 possessed the firearm or ammunition, defendant had been convicted of
22 a crime punishable by imprisonment for a term exceeding one year; and
23 (4) at the time defendant possessed the firearm or ammunition,
24 defendant knew he had been convicted of a crime punishable by
25 imprisonment for a term exceeding one year.

26 PENALTIES

27 7. Defendant understands that the statutory maximum sentence
28 that the Court can impose for a violation of 18 U.S.C. § 922(g)(1)

1 is: 10 years' imprisonment; a three-year period of supervised
2 release; a fine of \$250,000 or twice the gross gain or gross loss
3 resulting from the offense, whichever is greatest; and a mandatory
4 special assessment of \$100.

5 8. The Court will also order forfeiture of the property listed
6 in the Forfeiture Allegation of the indictment pursuant to 18 U.S.C.
7 § 924(d)(1) and 28 U.S.C. § 2461(c) or substitute assets up to the
8 value of that property.

9 9. Defendant understands that supervised release is a period
10 of time following imprisonment during which defendant will be subject
11 to various restrictions and requirements. Defendant understands that
12 if defendant violates one or more of the conditions of any supervised
13 release imposed, defendant may be returned to prison for all or part
14 of the term of supervised release authorized by statute for the
15 offense that resulted in the term of supervised release, which could
16 result in defendant serving a total term of imprisonment greater than
17 the statutory maximum stated above.

18 10. Defendant understands that, by pleading guilty, defendant
19 may be giving up valuable government benefits and valuable civic
20 rights, such as the right to vote, the right to possess a firearm,
21 the right to hold office, and the right to serve on a jury. Defendant
22 understands that he is pleading guilty to a felony and that it is a
23 federal crime for a convicted felon to possess a firearm or
24 ammunition. Defendant understands that the conviction in this case
25 may also subject defendant to various other collateral consequences,
26 including but not limited to revocation of probation, parole, or
27 supervised release in another case and suspension or revocation of a
28 professional license. Defendant understands that unanticipated

1 collateral consequences will not serve as grounds to withdraw
2 defendant's guilty plea.

3 11. Defendant and his counsel have discussed the fact that, and
4 defendant understands that, if defendant is not a United States
5 citizen, the conviction in this case makes it practically inevitable
6 and a virtual certainty that defendant will be removed or deported
7 from the United States. Defendant may also be denied United States
8 citizenship and admission to the United States in the future.
9 Defendant understands that while there may be arguments that
10 defendant can raise in immigration proceedings to avoid or delay
11 removal, removal is presumptively mandatory and a virtual certainty
12 in this case. Defendant further understands that removal and
13 immigration consequences are the subject of a separate proceeding and
14 that no one, including his attorney or the Court, can predict to an
15 absolute certainty the effect of his conviction on his immigration
16 status. Defendant nevertheless affirms that he wants to plead guilty
17 regardless of any immigration consequences that his plea may entail,
18 even if the consequence is automatic removal from the United States.

19 FACTUAL BASIS

20 12. Defendant admits that defendant is, in fact, guilty of the
21 offense to which defendant is agreeing to plead guilty. Defendant
22 and the USAO agree to the statement of facts provided below and agree
23 that this statement of facts is sufficient to support a plea of
24 guilty to the charge described in this agreement and to establish the
25 Sentencing Guidelines factors set forth in paragraph 14 below but is
26 not meant to be a complete recitation of all facts relevant to the
27 underlying criminal conduct or all facts known to either party that
28 relate to that conduct.

1 On or about May 23, 2022, in Encino, California, within the
2 Central District of California, defendant knowingly possessed a
3 firearm -- namely, a Taurus model G2C, 9mm caliber pistol,
4 bearing serial number ACB508644 ("the recovered firearm") -- and
5 ammunition -- namely, approximately three rounds of Luvata
6 Appleton 9mm Luger caliber ammunition, three rounds of Fiocchi
7 9mm Luger caliber ammunition, and one round of Remington Arms
8 9mm Luger caliber ammunition ("the recovered ammunition").

9 Because the recovered firearm and recovered ammunition were
10 found in California but were manufactured in states other than
11 California or in countries other than the United States, the
12 recovered firearm and recovered ammunition had been shipped or
13 transported from one state to another or between a foreign
14 nation and the United States.

15 At the time defendant knowingly possessed the recovered
16 firearm and recovered ammunition, defendant had been convicted
17 of a crime punishable by imprisonment for a term exceeding one
18 year -- namely, Assault with a Deadly Weapon, in violation of
19 California Penal Code Section 245(a)(1), in the Superior Court
20 for the State of California, County of Los Angeles, Case Number
21 LA08405501, on or about January 24, 2017. Moreover, at the time
22 defendant knowingly possessed the recovered firearm and
23 recovered ammunition, defendant knew he had been convicted of a
24 crime punishable by a term of imprisonment exceeding one year.

25 SENTENCING FACTORS

26 13. Defendant understands that in determining defendant's
27 sentence the Court is required to calculate the applicable Sentencing
28 Guidelines range and to consider that range, possible departures

1 under the Sentencing Guidelines, and the other sentencing factors set
 2 forth in 18 U.S.C. § 3553(a). Defendant understands that the
 3 Sentencing Guidelines are advisory only, that defendant cannot have
 4 any expectation of receiving a sentence within the calculated
 5 Sentencing Guidelines range, and that after considering the
 6 Sentencing Guidelines and the other § 3553(a) factors, the Court will
 7 be free to exercise its discretion to impose any sentence it finds
 8 appropriate up to the maximum set by statute for the crime of
 9 conviction.

10 14. Defendant and the USAO agree to the following applicable
 11 Sentencing Guidelines factors:

12	Base Offense Level (Offense	20	U.S.S.G. § 2K2.1(a)(4)
13	Committed After Sustaining One		
14	Felony Conviction for		
	Crime of Violence):		

15 The USAO will agree to a two-level downward adjustment for acceptance
 16 of responsibility (and, if applicable, move for an additional one-
 17 level downward adjustment under U.S.S.G. § 3E1.1(b)) only if the
 18 conditions set forth in paragraph 5(c) are met and if defendant has
 19 not committed, and refrains from committing, acts constituting
 20 obstruction of justice within the meaning of U.S.S.G. § 3C1.1, as
 21 discussed below. Subject to paragraph 26 below, defendant and the
 22 USAO agree not to seek, argue, or suggest in any way, either orally
 23 or in writing, that any other specific offense characteristics,
 24 adjustments, or departures relating to the offense level be imposed.
 25 Defendant agrees, however, that if, after signing this agreement but
 26 prior to sentencing, defendant were to commit an act, or the USAO
 27 were to discover a previously undiscovered act committed by defendant
 28 prior to signing this agreement, which act, in the judgment of the

1 USAO, constituted obstruction of justice within the meaning of
2 U.S.S.G. § 3C1.1, the USAO would be free to seek the enhancement set
3 forth in that section and to argue that defendant is not entitled to
4 a downward adjustment for acceptance of responsibility under U.S.S.G.
5 § 3E1.1. Defendant understands that defendant's offense level could
6 be increased if defendant is a career offender under U.S.S.G.
7 §§ 4B1.1 and 4B1.2. If defendant's offense level is so altered,
8 defendant and the USAO will not be bound by the agreement to
9 Sentencing Guideline factors set forth above.

10 15. Defendant understands that there is no agreement as to
11 defendant's criminal history or criminal history category.

12 16. Defendant and the USAO reserve the right to argue for a
13 sentence outside the sentencing range established by the Sentencing
14 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),
15 (a)(2), (a)(3), (a)(6), and (a)(7).

16 WAIVER OF CONSTITUTIONAL RIGHTS

17 17. Defendant understands that by pleading guilty, defendant
18 gives up the following rights:

- 19 a. The right to persist in a plea of not guilty.
- 20 b. The right to a speedy and public trial by jury.
- 21 c. The right to be represented by counsel -- and if
22 necessary have the Court appoint counsel -- at trial. Defendant
23 understands, however, that, defendant retains the right to be
24 represented by counsel -- and if necessary have the Court appoint
25 counsel -- at every other stage of the proceeding.
- 26 d. The right to be presumed innocent and to have the
27 burden of proof placed on the government to prove defendant guilty
28 beyond a reasonable doubt.

1 e. The right to confront and cross-examine witnesses
2 against defendant.

3 f. The right to testify and to present evidence in
4 opposition to the charges, including the right to compel the
5 attendance of witnesses to testify.

6 g. The right not to be compelled to testify, and, if
7 defendant chose not to testify or present evidence, to have that
8 choice not be used against defendant.

9 h. Any and all rights to pursue any affirmative defenses,
10 Fourth Amendment or Fifth Amendment claims, and other pretrial
11 motions that have been filed or could be filed.

12 WAIVER OF APPEAL OF CONVICTION

13 18. Defendant understands that, with the exception of an appeal
14 based on a claim that defendant's guilty plea was involuntary, by
15 pleading guilty defendant is waiving and giving up any right to
16 appeal defendant's conviction on the offense to which defendant is
17 pleading guilty. Defendant understands that this waiver includes,
18 but is not limited to, arguments that the statute to which defendant
19 is pleading guilty is unconstitutional, and any and all claims that
20 the statement of facts provided herein is insufficient to support
21 defendant's plea of guilty.

22 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

23 19. Defendant agrees that, provided the Court imposes a term of
24 imprisonment within or below the range corresponding to an offense
25 level of 17 and the criminal history category calculated by the
26 Court, defendant gives up the right to appeal all of the following:
27 (a) the procedures and calculations used to determine and impose any
28 portion of the sentence; (b) the term of imprisonment imposed by the

1 Court; (c) the fine imposed by the Court, provided it is within the
2 statutory maximum; (d) to the extent permitted by law, the
3 constitutionality or legality of defendant's sentence, provided it is
4 within the statutory maximum; (e) the term of probation or supervised
5 release imposed by the Court, provided it is within the statutory
6 maximum; and (f) any of the following conditions of probation or
7 supervised release imposed by the Court: the conditions set forth in
8 Second Amended General Order 20-04 of this Court; the drug testing
9 conditions mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d); and the
10 alcohol and drug use conditions authorized by 18 U.S.C. § 3563(b)(7).

11 20. The USAO agrees that, provided (a) all portions of the
12 sentence are at or below the statutory maximum specified above and
13 the Court imposes a term of imprisonment within or above the range
14 corresponding to an offense level of 17 and the criminal history
15 category calculated by the Court, the USAO gives up its right to
16 appeal any portion of the sentence.

17 WAIVER OF RIGHT TO COLLATERAL ATTACK

18 21. Defendant also gives up any right to bring a post-
19 conviction collateral attack on the conviction or sentence, except a
20 post-conviction collateral attack based on a claim of ineffective
21 assistance of counsel, a claim of newly discovered evidence, or an
22 explicitly retroactive change in the applicable Sentencing
23 Guidelines, sentencing statutes, or statutes of conviction.
24 Defendant understands that this waiver includes, but is not limited
25 to, arguments that the statute to which defendant is pleading guilty
26 is unconstitutional, and any and all claims that the statement of
27 facts provided herein is insufficient to support defendant's plea of
28 guilty.

1 RESULT OF WITHDRAWAL OF GUILTY PLEA

2 22. Defendant agrees that if, after entering a guilty plea
3 pursuant to this agreement, defendant seeks to withdraw and succeeds
4 in withdrawing defendant's guilty plea on any basis other than a
5 claim and finding that entry into this plea agreement was
6 involuntary, then the USAO will be relieved of all of its obligations
7 under this agreement.

8 EFFECTIVE DATE OF AGREEMENT

9 23. This agreement is effective upon signature and execution of
10 all required certifications by defendant, defendant's counsel, and an
11 Assistant United States Attorney.

12 BREACH OF AGREEMENT

13 24. Defendant agrees that if defendant, at any time after the
14 signature of this agreement and execution of all required
15 certifications by defendant, defendant's counsel, and an Assistant
16 United States Attorney, knowingly violates or fails to perform any of
17 defendant's obligations under this agreement ("a breach"), the USAO
18 may declare this agreement breached. All of defendant's obligations
19 are material, a single breach of this agreement is sufficient for the
20 USAO to declare a breach, and defendant shall not be deemed to have
21 cured a breach without the express agreement of the USAO in writing.
22 If the USAO declares this agreement breached, and the Court finds
23 such a breach to have occurred, then: (a) if defendant has previously
24 entered a guilty plea pursuant to this agreement, defendant will not
25 be able to withdraw the guilty plea, and (b) the USAO will be
26 relieved of all its obligations under this agreement.

1 COURT AND UNITED STATES PROBATION

2 AND PRETRIAL SERVICES OFFICE NOT PARTIES

3 25. Defendant understands that the Court and the United States
4 Probation and Pretrial Services Office are not parties to this
5 agreement and need not accept any of the USAO's sentencing
6 recommendations or the parties' agreements to facts or sentencing
7 factors.

8 26. Defendant understands that both defendant and the USAO are
9 free to: (a) supplement the facts by supplying relevant information
10 to the United States Probation and Pretrial Services Office and the
11 Court, (b) correct any and all factual misstatements relating to the
12 Court's Sentencing Guidelines calculations and determination of
13 sentence, and (c) argue on appeal and collateral review that the
14 Court's Sentencing Guidelines calculations and the sentence it
15 chooses to impose are not error, although each party agrees to
16 maintain its view that the calculations in paragraph 14 are
17 consistent with the facts of this case. While this paragraph permits
18 both the USAO and defendant to submit full and complete factual
19 information to the United States Probation and Pretrial Services
20 Office and the Court, even if that factual information may be viewed
21 as inconsistent with the facts agreed to in this agreement, this
22 paragraph does not affect defendant's and the USAO's obligations not
23 to contest the facts agreed to in this agreement.

24 27. Defendant understands that even if the Court ignores any
25 sentencing recommendation, finds facts or reaches conclusions
26 different from those agreed to, and/or imposes any sentence up to the
27 maximum established by statute, defendant cannot, for that reason,
28 withdraw defendant's guilty plea, and defendant will remain bound to

fulfill all defendant's obligations under this agreement. Defendant understands that no one -- not the prosecutor, defendant's attorney, or the Court -- can make a binding prediction or promise regarding the sentence defendant will receive, except that it will be within the statutory maximum.

NO ADDITIONAL AGREEMENTS

28. Defendant understands that, except as set forth herein, there are no promises, understandings, or agreements between the USAO and defendant or defendant's attorney, and that no additional promise, understanding, or agreement may be entered into unless in a writing signed by all parties or on the record in court.

PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

29. The parties agree that this agreement will be considered part of the record of defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.

AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE
FOR THE CENTRAL DISTRICT OF
CALIFORNIA

E. MARTIN ESTRADA
United States Attorney

/s/ Rajesh R. Srinivasan
RAJESH R. SRINIVASAN
Assistant United States Attorney

May 16, 2024
Date


HAYK KHALATYAN
Defendant


5.18.24
Date


GEORGE MGDESYAN
Attorney for Defendant HAYK
KHALATYAN

5/18/24
Date

CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. No promises, inducements, or representations of any kind have been made to me other than those contained in this agreement. No one has threatened or forced me in any way to enter into this agreement. I am satisfied with the representation of my attorney in this matter, and I am pleading guilty because I am guilty of the charge and wish to take advantage of the promises set forth in this agreement, and not for any other reason.


 HAYK KHALATYAN
 Defendant

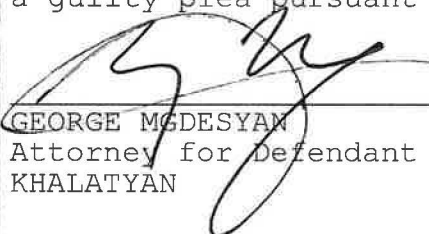
Date

5.18.24

CERTIFICATION OF DEFENDANT'S ATTORNEY

I am defendant Hayk Khalatyan's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of his rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines

1 provisions, and of the consequences of entering into this agreement.
2 To my knowledge: no promises, inducements, or representations of any
3 kind have been made to my client other than those contained in this
4 agreement; no one has threatened or forced my client in any way to
5 enter into this agreement; my client's decision to enter into this
6 agreement is an informed and voluntary one; and the factual basis set
7 forth in this agreement is sufficient to support my client's entry of
8 a guilty plea pursuant to this agreement.

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11 GEORGE MEDESYAN
Attorney for Defendant HAYK
KHALATYAN

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Date 5/18/24